

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3861 OF 2022

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Manisha Ravindra Davre

..... Petitioner

Vs.

State Election Commission & Ors.

..... Respondents

Mr. Suhas Oak with Siddharth Wakankar and Deepesh
Vernekar for the Petitioner

Mr. C. K. Bhangoji for Respondent No.5

Mrs. M. S. Bane, AGP for the State

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : APRIL 8, 2022

P.C.

1 We have entertained the present Writ Petition on 1st April 2022 solely on the basis of the statement made by learned Counsel for the Petitioner that the Petitioner has filed an appeal before the Commissioner as contemplated under Section 16(2) of the Maharashtra Village Panchayat Act, 1958 and that the concerned Officer is not available where the Appeal is filed. The Appeal is filed on 31st March 2022.

2 It is stated by the learned Counsel for the Respondents that on the same day, a copy was served upon the Respondents and the Officer had kept the matter on 1st April 2022. If this was the position, the same ought to have been clearly mentioned by the learned Counsel for the Petitioner then we would not have entertained the Writ Petition on 1st April 2022. If the statement would have been made that the matter was kept before the concerned Officer on 1st April 2022, we would not have entertained the Petition. The learned Counsel, while making the statement ought to have taken instructions in the matter and then made a statement. The statements cannot be made in a casual manner.

3 The Petitioner has already got an order of *status quo* on 1st April 2022 from the Office of the Additional Commissioner where the Appeal is filed.

4 In view of the fact that the Appeal has been entertained, we are not keeping the Petition pending. The parties can agitate about their rights in the pending Appeal.

5 The Writ Petition is accordingly disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)